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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,161	07/08/2003	David Curbow	03226/452002;P6353	9756

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EXAMINER

BEHNCKE, CHRISTINE M

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/616,161

Applicant(s)

CURBOW ET AL.

Examiner

Christine M. Behncke

Art Unit

3661

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-22 is/are allowed.
- 6) ☒ Claim(s) 23-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is in response to the Amendment and Remarks filed 16 March 2005, in which claims 1-31 were presented for examination.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill et al., US Patent Application Publication No. 2002/0099574, in view of Yoo et al., US Patent No. 6,107,942.

3. **(Claim 23)** Cahill et al. discloses a method for determining parking space available comprising: capturing an image of a portion of a parking area ([0045] lines 7-12 and [0068]) and outputting the location of an available parking space of said parking area to a motorist ([0037] lines 4-7 and [0068]). Cahill et al. further discloses wherein the determination of available parking spaces uses any suitable vehicle detection system including optical recognition. Cahill et al. does not specifically disclose transmitting a captured image to a processor. However, Yoo et al. teaches parking spaces are monitored by a video camera; the camera transmits the captured image to an image-processing computer (Column 3, lines 6-11) and automatically determines available parking spaces within the image and mapping the image to the parking area

(Column 3, lines 1-18). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of Cahill et al. with the teachings of Yoo et al. because as Yoo et al. suggests by using a image processing monitoring system, parking spaces can be reliably verified as being occupied or not and the video camera has an additional feature of being able to record any collisions or other activities, enhancing the security of the parking facility.

4. (Claim 24) Cahill et al. further discloses wherein the outputting of the location of available parking spaces is printed on a ticket available to the motorist ([0068]).

5. (Claim 25) Cahill et al. further discloses displaying the location of an available parking space on a display screen of a computer system available to the motorist ([0068]).

6. (Claim 26) Cahill et al. further discloses wherein the parking space is located in a parking garage (figure 1, [0002], and [0068]).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27- 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill et al. in view of Yoo et al. as applied to claim 23 above, and further in view of Dutta et al., US Patent Application Publication No. 2002/0161520.

8. **(Claim 27)** Cahill et al. in view of Yoo et al. disclose the method of determining parking spaces as described above but do not disclose determining the location of a motorist. However Dutta et al. teaches determining a location of a motorist ([0061] lines 5-11) and reporting location specific parking available based on said location of the motorist ([0061]-[0062]).

9. **(Claim 28)** Dutta et al. further teaches wherein a global positioning system (GPS) is used to determine said location of said motorist ([0061] lines 5-11).

10. **(Claim 29)** Dutta et al. further teaches wherein the transmission of the image uses IEEE 802.11 wireless Ethernet protocol ([0019] and [0021] IEEE 802.11 is a standard wireless LAN protocol and the adaptation is commonly known in the art).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method disclosed by Cahill et al. in view of Yoo et al. with the teachings of Dutta et al. to increase the consumer acceptability of the parking assistant device/method by finding the most current and closest available parking to the user/motorist's present location and transmit the available information in a high-speed manner.

11. **(Claim 30)** Cahill et al. discloses transmitting the location of available parking spaces to a wireless electronic device of the motorist ([0068]) but does not specify the components of the electronic device. However, Dutta et al. teaches, like Cahill et al, the electronic device may be a notebook computer, PDA, and the like. Dutta et al. further teaches wherein the electronic device comprises: a processor coupled to a bus (elements 302 and 306, figure 3); a memory coupled to said bus (elements 304 and

306, figure 3); a communication circuit coupled to said bus (elements 315 and 306, figure 3); and a display device coupled to said bus (elements 430 and 460, figure 4).

12. **(Claim 31)** Dutta et al. further discloses displaying information about the location of the available parking spaces on the display device ([0046]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method disclosed by Cahill et al. in view of Yoo et al. with the teachings of Dutta et al. because as Dutta et al. suggests the exemplary embodiments of the internal hardware of the client device (figures 3 and 4) are well-known in the art and may be known further as general Personal Digital Assistants, notebook computers, or the like ([0042]-[0044]).

#### ***Allowable Subject Matter***

13. Claims 1-22 are at present considered allowable.

#### ***Conclusion***

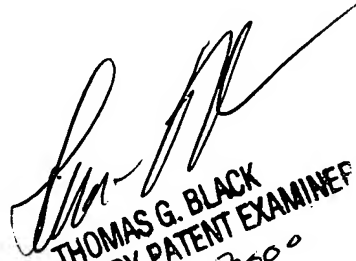
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine M. Behncke whose telephone number is (571) 272-8103. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Black can be reached on (571) 272-6956. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3661

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

05-16-2005

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3661